

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN DALE MAHLUM**, on March 27, 2001 at
3:00 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Dale Mahlum, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Chris Christiaens (D)
Sen. John Cobb (R)
Sen. Jim Elliott (D)
Sen. Bill Glaser (R)
Sen. Duane Grimes (R)
Sen. Don Hargrove (R)
Sen. Ken Miller (R)
Sen. Emily Stonington (D)
Sen. Ken Toole (D)

Members Excused: None.

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 585, 3/13/2001

Executive Action: HB 345 BCAA
HB 382 BCAA
HB 409 BCAA
HB 589 BCAA

HB 585 TABLED
HB 30 RE-REFERRED

{Tape : 1; Side : A; Approx. Time Counter : 0}

EXECUTIVE ACTION ON HB 409

CHAIRMAN DALE MAHLUM asked for the subcommittee report from **SEN. BILL GLASER**.

SEN. GLASER stated the subcommittee met and recommended to proceed with amendment **EXHIBIT(10s69a01)**. This would allow some comfort on the part of MT Taxpayers Assoc. in the form of public input and allowed local government entities to go back to July 1, 1999. There are still many problems in the health care area.

SEN. CHRIS CHRISTIAENS offered that originally, the date of July 1, 2001 would not have assisted Yellowstone County who had been paying claims from their operating budget. By going back to July 1, 1999, it would help them to recoup some of those losses.

SEN. DUANE GRIMES commented that any contributions that had been paid from July 1, 1999 could be offset by a levy.

SEN. CHRISTIAENS said they would have to have a public hearing prior to any mill levy increase.

Motion/Vote: **SEN. GLASER** moved that **HB 409 BE AMENDED**. Motion carried 8-0.

Motion/Vote: **SEN. GLASER** moved that **HB 409 BE CONCURRED IN AS AMENDED**. Motion carried 8-0. Senator Mahlum will carry the bill.

Senators Cobb, Hargrove and Miller were not present to vote.

SEN. CHRISTIAENS spoke of the committee carrying a Committee Resolution for a study of health care issues and prescription drug costs.

Leanne Kurtz said that **SEN. KEN MILLER** had given her the "whereas" statements that the subcommittee had come up with. If Local Government wanted to carry a Committee Resolution for the interim, she would write the resolution for them.

SEN. GRIMES believed that there should be some "whereas" statements that are critical and quite germane to the subject of costs.

SEN. CHRISTIAENS saw this as the second largest critical issue in the state when counties are paying claims from their operating budgets. As prescription drugs continue to go up, which affects

everyone, he felt that it would be foolhardy for the committee not to do something. He encouraged the Committee Resolution be written.

CHAIRMAN MAHLUM asked **Ms. Kurtz** to have the resolution written by Thursday, March 29, 2001.

HEARING ON HB 585

Sponsor: REP. DAN FUCHS, HD 15, BILLINGS

Proponents: None

Opponents: Jane Jelinski, MT Assoc. of Counties (MACO)
Rodney Fink, Sweetgrass County, MT Consensus Council
Janet Ivers, Sanders County Sanitarian
Susan Brueggeman, Environmental Health Director, Lake County
Jim Carlson, Missoula County Health Supervisor
Linda Stoll, MT Health Officers Assoc.
Jan Sensibaugh, Director, Dept. of Environmental Quality (DEQ)

Opening Statement by Sponsor:

REP. DAN FUCHS, HD 15, BILLINGS. House Bill 585 is the other bill that would implement the recommendations of the Legislative Audit Division. This is the longer of the two. This bill contains all their recommendations. It would allow the local reviewing authority to do the review on sanitation in the subdivision. It would allow local governments to establish fees to cover costs. It would redirect the DEQ to a role of technical assistance or oversight. It had been his experience in the past that developers sometimes get caught in the middle of the local reviewing authority and the state. This would take the state out of it. The bill does not mandate local governments to do this. If they do not want to, they can use the DEQ review.

Proponents' Testimony: None

Opponents' Testimony:

Jane Jelinski, MT Assoc. of Counties (MACO). She gave her testimony and handed in a written copy **EXHIBIT(1069a02)**.

Rodney Fink, Sweetgrass County, MT Consensus Council. He had been a member of the Council representing Sweetgrass and Carbon counties. He represented smaller counties. Over the two years, they did reach a consensus. Senate Bill 167 was the bill that the Council had recommended. He opposed HB 585.

Janet Ivers, Sanders County Sanitarian. She was opposed to the bill. Her county is small and to take the state out of the review process would eliminate the checks and balances of the present system. She had tried to calculate what the cost to the state would be if the state took over the program. There would be two choices: either subdivisions are approved without ever being on site or state personnel would have to go to every single subdivision. The travel expenses would be enormous. She wanted the partnership of local knowledge and state expertise.

Susan Brueggeman, Environmental Health Director, Lake County. She stood in opposition to the bill. She handed in a letter **EXHIBIT(los69a03)** written by her and Paddy Trusler, Board of Lake County Commissioners, from which she gave her testimony.

Jim Carlson, Missoula County Health Supervisor. He opposed HB 585. He was a member of the Consensus Council. He stood in favor of SB 167.

Linda Stoll, MT Health Officers Assoc. She handed out a letter from Missoula City/County Health Department which was in opposition to HB 585 **EXHIBIT(los69a04)**. The health officers are strongly in support of SB 167. Right now the partnership provision in SB 167 has resulted in a number of changes being made in the way in which the Sanitation and Subdivision Act is administered locally and at the state level. That is the way they would like to go. House Bill 585 is an all or nothing bill. Counties would have to make a decision whether to opt in or out of the state review system. Most counties want the state's expertise.

Jan Sensibaugh, Director, Dept. of Environmental Quality. She reiterated the previous statements. She did not want HB 585 to go forward. Senate Bill 167 was the right way to go.

Questions from Committee Members and Responses:

SEN. CHRIS CHRISTIAENS wanted to know if DEQ had the ability and legal authority now to raise the fees to be in accordance with the actual cost. **Jan Sensibaugh** replied they had the authority to raise fees. The law states they must charge fees that would cover all costs of review.

SEN. CHRISTIAENS asked if DEQ had to travel a lot around the whole state, would they have to raise the fees. **Ms. Sensibaugh** replied yes, but they would depend on the counties to do all the site reviews.

SEN. CHRISTIAENS asked what the status of SB 167 was. **Ms. Sensibaugh** explained it was out of the House committee and would go to the floor as soon as possible.

SEN. BILL GLASER inquired as to what kind of reception HB 585 received in the House. **REP. FUCHS** offered there were no opponents. There were two people who spoke as proponents.

SEN. DUANE GRIMES asked what was the perspective of the opponents for taking a more aggressive position with regard to how to remedy the environment. **REP. FUCHS** said that he was only aware of what the Legislative Audit Division had recommended. His only reason for bringing this bill was to implement those recommendations of the Legislative Audit Division.

{Tape : 1; Side : B; Approx. Time Counter : 0}

REP. FUCHS continued: He felt that maybe something should be put in statute as to where the responsibility lies when local government does the reviewing and then arbitrarily changes their position. The developer is then caught in the middle when the state says something different.

SEN. GRIMES agreed because he had been in that same position. Had the sponsor seen SB 167. **REP. FUCHS** replied that he had not seen that bill.

SEN. COBB inquired if SB 167 designated the responsibility that **REP. FUCHS** had questioned. **Ms. Sensibaugh** said that was one of the major issues that had been discussed in the Consensus Council. They had resolved that issue in SB 167.

SEN. COBB further inquired what things had not been resolved as of yet. **Ms. Sensibaugh** offered how they would apply non-degradation to subdivisions was one issue. It was too technical and too large an issue to be resolved in the time frame available. It was more technical issues rather than process issues. The process issues were resolved in SB 167.

SEN. COBB asked when the technical issues would be resolved. **Ms. Sensibaugh** answered that a task force was being put together right now and she hoped to have that resolved within the year.

SEN. DON HARGROVE inquired about the length of time the state takes to respond back to the local government. How is that being viewed now. **Ms. Sensibaugh** stated that was one of the things that had been resolved in SB 167. Previously, the state had re-reviewed all the counties' work. Senate Bill 167 does not require the state to re-review all this work. That will shorten the review time way down.

SEN. GRIMES felt that getting the state out of the whole process was not good. He asked if the effective date was dealt with in SB 167. The question was deferred to the Department's attorney. **Jim Madden, Attorney, DEQ** stated the SB 167 has an effective date clause that says: the provisions of SB 167 will affect applications for subdivision review after that date of the bill. There was one further modifier. The Dept. was asked to conduct certain rule-making activities. Applications will not be subject to those rule-makings.

Closing by Sponsor:

REP. FUCHS closed. He was somewhat dismayed at **Director Sensibaugh's** appearing as an opponent without giving him advanced notice. He did not appreciate that. He had met with her and they had gone over things that they felt were important in the bill. He had wanted to be sure that she could agree with the bill. He did not have any passion for the bill. If the committee should table the bill, he would appreciate the committee directing its attention to whom is responsible.

{The tape was turned off and the executive action on HB 585 was not recorded.}

EXECUTIVE ACTION ON HB 585

Motion/Vote: **SEN. GRIMES** moved that **HB 585 BE TABLED**. Motion carried 8-3 with Cobb, Mahlum, and Miller voting no.

{The tape was turned back on for the rest of the hearing.}

EXECUTIVE ACTION ON HB 589

CHAIRMAN DALE MAHLUM presented HB 589 for discussion.

Discussion:

SEN. GRIMES wanted to restrict this just to municipalities rather than rural areas. He assumed condominiums are only going to be in municipalities. He then remembered that Big Sky has condominiums. He further stated the concern he had was it could be an inadvertent way to get around the minor subdivision. He was willing to have someone respond to his concerns.

CHAIRMAN MAHLUM suggested "where there are applicable zones."

SEN. GRIMES said the way it was presented was in terms of municipality infrastructure already being in place such as streets, sewers, sidewalks, etc. There would be no need to go through a major subdivision review. However, in a rural setting, there could be a minor subdivision review and skirt the major subdivision review. He did not want that to happen.

Jane Jelinski, MACO responded she did not think that would happen. The language states one is only exempt if the approval of the original division of land expressly contemplated the construction of condos. Condominiums are required to go through sanitation reviews. That would be the major consideration. It would have to be in conformance with zoning laws.

CHAIRMAN MAHLUM said the sponsor had talked about shopping centers, etc. where they could sell off units of the shopping center and be turned into condos.

Ms. Jelinski said as she read the bill they would be exempt only if they were contemplated for the construction of condos.

SEN. GRIMES stated: In subsection 2, the condominium proposal is in conformance where there are applicable zoning regulations. That way they could not do this where there are not zoning regulations. Strike the word "with" on line 14 and insert "where local zoning regulations are in effect." He asked **Leanne Kurtz** to offer the correct wording. She said not to take the word "with" out.

Motion/Vote: **SEN. GRIMES** moved that **HB 589 BE AMENDED**

EXHIBIT(los69a05). Motion carried 9-2 with Cobb and Miller voting no.

SEN. KEN TOOLE spoke and asked that where the use of a building was being changed, does that mean there would be no review of that change in use. **SEN. GRIMES** answered that if a building is in a zone designated for manufacturing, they would have to go before the local zoning board and get an exception to put a condominium in the middle of a light manufacturing district. If it is in a district where multiple housing is allowed, that

building would be allowed to be used for that and there would not be the whole public hearing process. Where it had not been approved for prior zoning, they would then have to go through a hearing to get the exception.

Motion/Vote: SEN. GRIMES moved that HB 589 BE CONCURRED IN AS AMENDED. Motion carried 9-2 with Cobb and Miller voting no. Senator Grimes will carry the bill.

EXECUTIVE ACTION ON HB 345

Motion: SEN. HARGROVE moved that HB 345 BE AMENDED
EXHIBIT (los69a06) HB034502.agp Printed on April 3, 2001
(10:28AM) .

Discussion:

SEN. HARGROVE explained his amendments. The county attorneys asked to be put into this bill and be part of the formula based on the county clerk and recorder. He offered to put the amendment in provided it would be agreeable with MT Assoc. of Counties (MACO). It seemed to solve the challenge that the committee had with SB 66.

SEN. CHRISTIAENS asked Kathy Seacat, Dept. of Justice to respond to his questions. As the amendments are sitting now, the salaries remain the same because of the notification that is needed by end of July if a part-time attorney would become a full time attorney. The salaries will not change during this current fiscal year. If there should be increases up to the \$50,000 per year level, all would be reviewed and approved by the local county commissioners. Kathy Seacat replied that, yes, the Dept. receives notice prior to finishing their budget. Whatever is in their budget for the next biennium is what the counties will live with.

SEN. CHRISTIAENS inquired how this would affect those counties who share county attorneys. Ms. Seacat informed him that there are two counties right now who share a county attorney. They have chosen, for the next biennium, to go their separate ways.

SEN. GRIMES stated that the committee did have the hearing on the county attorneys and the committee agreed that there were needs that should be addressed. He felt that SEN. HARGROVE'S amendments would establish a higher base salary rate for them. Were the county commissioners to have any authority over them?

SEN. HARGROVE replied, yes, because half of their salary comes from the state.

SEN. GRIMES thought that was barely in the title of the bill, and he would oppose the amendment on the grounds that if it had been brought forth earlier in the session they could have gone as far afield as the amendments go. He was not sure it was appropriate to do so at this late date.

SEN. KEN TOOLE wanted to become more familiar with the county attorney salaries and how they are set currently. Was there potential here to ingrain seniority and the cost of living increases over time into a new county attorney's starting salary?

Sheila Cozzie, Human Resource Director, Lewis & Clark County.

The base salary would not change. There is a longevity statute in current law that would be based on the tenure of the county attorney in office at the time. The base would be the same but the longevity payment would be different based on their own tenure.

SEN. TOOLE was concerned. The amendment references the previous salary and not the base salary.

SEN. HARGROVE understood her statement just the opposite.

Sheila Cozzie answered that under current law, the base does not change. It increases by the COLA whenever the county commissioners adopt a COLA. That becomes the new base for the next county commissioners. The only thing that would change under current law is that longevity set under the longevity section.

SEN. TOOLE said the base salary is equal to the salary received for the fiscal year ending June 30, 2001. It does not reference back to the base.

SEN. HARGROVE stated that if his amendment passed, then a merging of the two amendments should be looked at.

SEN. CHRISTIAENS wanted to know if the committee should go back into the Dept. of Justice's budget and make some adjustment in the next two fiscal years.

Doug Booker, Dept. of Justice. The amendments offered by **REP. MANGAN EXHIBIT(los69a07) Printed on April 3, 2001 (10:07AM)**, state that they could not spend more than what was appropriated. That is based on how they put their budget together which is based on a 2.2 COLA. They would not be able to pay at that level with what had been appropriated to them.

SEN. HARGROVE reiterated that basically, it wouldn't have any affect for this biennium but would have an affect after that.

Mr. Booker explained the counties would submit their budgets two years in advance to them in order to give the Dept. time to adjust their budget. Again, they would be limited to what they could pay for as their share. After they get their appropriations and if a county determined to pay their attorney more, they might not be liable for their half share of the increase.

SEN. CHRISTIAENS asked for an opinion by **Gordon Morris**.

Mr. Morris offered that **SEN. HARGROVE** was correct in that MACO did indicate they had no problem with what was being proposed on behalf of the county attorneys. He stated that the original draft of these amendments were problematic. They did address that. There are sponsor amendments. Those amendments are still out there. Those two amendments are going to have to be coordinated. He suggested **REP. MANGAN'S** amendments be adopted before starting on **SEN. HARGROVE'S** amendments.

The \$50,000 had been taken out and they are using the salary as of June 30, 2001. That constitutes their base. Whatever is then determined to be the salary increments for the fiscal year 2002 would apply to that base for the county attorney just as it does right now. This would not change that part of the process. For other elected officials, the concept is associated with the base. That means that rather than getting 100% of the COLA applied against the prior year base, you would get some percentage of the COLA applied against the total amount one would receive in the prior year. Counties probably would not give 100% of COLA based upon the new formula. The county attorneys are assuming that this would be a windfall. With amendment #9, one is taking the \$50,000 out in Section 3 and 5. One is having an impact on Section 5 where the county attorneys are being dealt with on a full time or part time basis. What is now being proposed is the remainder of line 26 through "\$30,000" on line 27 is being struck. With that taken out and with the consent of the county attorneys, the county commissioners can move that from being a part time salary to the salary established in 7-4-2503. The salary is being taken away in 7-4-2503. That salary is \$50,000.

{Tape : 2; Side : A; Approx. Time Counter : 0}

Gordon Morris continued: He suggested that, if they adopt that particular amendment, the dollar figure should be left in. That would give a constant starting point. With the amendment, the county attorneys are caught in a unique position where they are

going to have to negotiate their starting salary. The salary compensation board is tough and they won't start at \$50,000. If they do, it will be after some very difficult bargaining. The attorneys must be thinking they'll be able to persuade the board and the two county commissioners who have a veto so they can get their 95% of the district court judges' salary. He did not think that would happen. What they have accomplished is something they very well may regret down the road.

SEN. TOOLE offered why would they not just be referencing back to the base salary of the pre-existing county attorney. **Mr. Morris** said why would the board want to start the new county attorney at the base salary of the present county attorney who may have been there for ten years.

SEN. CHRISTIAENS commented, in light of the sponsor's amendment, the committee should go onto the second amendment. He asked for **SEN. HARGROVE'S** comments.

SEN. HARGROVE said the committee should look at that. He would withdraw his motion to look at his amendment.

CHAIRMAN MAHLUM said the two amendments are different and wondered if the two could be put together effectively.

Leanne Kurtz stated that if both amendments were passed, the language in the sponsor's amendment would need changing to conform to **SEN. HARGROVE'S** amendment.

SEN. ELLIOTT said the committee is assuming that both sets of amendments are going to pass.

CHAIRMAN MAHLUM said that both may not be needed if the two could be consolidated into one.

SEN. ELLIOTT suggested to defer action until such time as the amendments could be presented in a good manner.

SEN. HARGROVE asked if the two amendments could be cleaned up and not be in conflict, would this be agreeable to the committee.

SEN. ELLIOTT felt **SEN. TOOLE'S** concern that the starting salary of the new hire would be the same as the ending salary of a veteran was valid.

SEN. TOOLE offered that one could go through **SEN. HARGROVE'S** amendment and add the word "base" in front of salary. That would take care of that. That would state only base and not base plus COLA.

Gordon Morris, MACO, stated that to take care of **SEN. TOOLE'S** problem, just say the county attorney's salary will start at \$50,000 per year. Leave that figure in there and do not strike it out. **REP. MANGAN'S** amendments were to address the concerns of the Dept. of Justice. If you address those concerns, you ignore **REP. MANGAN'S** amendments on page 3, dealing with the county attorneys and on page 5 where language was being inserted and taken out.

CHAIRMAN MAHLUM said they would put HB 345 on hold and go on to the next bill. The committee returned to HB 345 at the end of Tape 2, Side A and continued on to Tape 2, Side B.

EXECUTIVE ACTION ON HB 382

Motion: **SEN. STONINGTON** moved that **HB 382 BE AMENDED**
EXHIBIT (los69a08) **HB038204.alk.**

Discussion:

SEN. STONINGTON explained her amendment. She addressed the question of what role should local government have in what goes on between a landlord and tenant. In Nov. 2000, Bozeman residents voted self-governing powers for the city commission. Following that, they had been dealing with a tight housing market in which landlords are closing their apartments and evicting tenants with no notice. They had one situation in which the landlord dealt well with the tenants and two situations in which the landlords dealt badly with the tenants. The City Council had tried to step in and find some middle ground. If the bill is passed without this amendment or a similar amendment, there will be no ability for local government to participate in this situation.

SEN. KEN MILLER felt the amendment was dangerous. In tight rental markets, all this would do would be to make it worse. Landlords have to give at least a 30 day notice. If by the words "elimination of rental units," a city could pass an ordinance that would make the landlord find places for his renters if he demolished his building, he was opposed. Renters are already protected under the current landlord laws. Why would cities need an exemption if a landlord wanted to eliminate his own building.

SEN. STONINGTON conceded that **SEN. MILLER** may know the rental laws better than she, but she was going on the testimony of city council people and the mayor. This amendment was drafted by the

Bozeman City Attorney. They are just trying to help these people who are being evicted without, as she understood it, adequate notice and without adequate provisions and no where to go. It is an emergency kind of provision. The Mayor of Bozeman has really worked on this issue.

SEN. CHRIS CHRISTIAENS asked why would that situation not be covered under MT Landlord-Tenant Act right now. **Rhonda Carpenter, MT Housing Providers** stated that the MT Landlord-Tenant Act does cover eviction proceedings and the notification periods that have to go to the tenant.

SEN. CHRISTIAENS then asked why the situation in Bozeman had not been covered under that Act. **SEN. STONINGTON** felt at a disadvantage because this was not her issue. She was doing this on behalf of her city council who felt that this had been a conflict that was not resolved in the Landlord-Tenant Act.

SEN. STONINGTON asked **Alec Hansen** if he had any information about this situation. She informed the group that Mayor Marcia Youngman testified that the city is trying to help this tight housing market by providing some protection for tenants who are being evicted. The mayor did not want to be prohibited from passing a displacement ordinance. She wanted to know if this were truly covered under the MT Landlord-Tenant Act.

Alec Hansen said that he had just talked to the Bozeman City Attorney and he had suggested a similar amendment. He had researched this carefully at the request of the mayor. The amendment that **SEN. STONINGTON** is proposing was necessary to assure that they can provide tenant protection with a displacement ordinance.

SEN. STONINGTON offered a second amendment **EXHIBIT (10s69a09) HB038205.ALK**. She said the two amendments are basically the same but with different wording.

SEN. TOOLE made the comment that if the tenant has a 30 day notice, the city does have a concern when they are in a tight rental market and someone in town shuts down a building and dumps 40 families into the rental market. That is what the city is concerned about not being able to address.

SEN. MILLER understood tight rental markets, but this amendment makes it worse. If a landlord does not have the right to close his rental units down, that landlord will not even buy a large rental unit or rent to low income people. In reading the title of the bill, these amendments go in the opposite direction of what the title states.

SEN. ELLIOTT thought the bill was brought forward because some cities wanted to license rental units. The MT Landlords Association did not want them to be able to do that. That language is now struck. Rent control is the prohibitive issue now.

Motion/Vote: **SEN. ELLIOTT** moved that **HB 382 BE TABLED**. Motion failed 3-7 with Bohlinger, Christiaens, Glaser, Grimes, Hargrove, Mahlum, and Miller voting no. A roll call vote was taken.

Senator Cobb was not present to vote.

SEN. STONINGTON said that an ordinance providing protection may be too rigorous and offered the language of "different or additional notices prior to displacement."

Motion: **SEN. STONINGTON** moved that **SB 382 BE AMENDED (EXHIBIT 9) HB038205.alk**.

Discussion:

SEN. CHRISTIAENS asked for the intent of the motion. If he were to plan to remodel a duplex, would he need to do something different than the current law which is to give a 30 day notice. Last weekend, when he went home, he found two of his tenants had moved out over the week.

SEN. STONINGTON replied that the amendment does not say he would have to do something different. It just allows local government to have the ability to work in this area. If they passed an ordinance, he would have the ability to have some input. What was being stated here was what could local government do if a whole apartment building were to be closed down. A duplex would not affect that many people and should not cause a hardship for them.

Vote: Motion to **AMEND HB 382** failed 2-8 with Bohlinger, Christiaens, Elliott, Glaser, Grimes, Hargrove, Mahlum, and Miller voting no. A roll call vote was taken.

Motion/Vote: **SEN. MILLER** moved that **HB 382 BE AMENDED EXHIBIT (los69a10) HB038203.alk**.

Discussion:

SEN. MILLER explained the amendments. There had been some concerns about licensing. Number 1 amendment brings the bill back to its original form and would not allow local government to license landlords or to regulate their activities with regard to tenants beyond what is....." Number 2 allows local government to require landlords to comply with ordinances or provisions that are applicable to all other businesses or residences within the local government's jurisdiction.

Motion carried 9-1 with Stonington voting no.

Motion/Vote: SEN. CHRISTIAENS moved that **HB 382 BE CONCURRED IN AS AMENDED**. **Motion carried 8-2 with Stonington and Toole voting no.** Senator Miller will carry the bill.

Senator Cobb was not present for voting.

EXECUTIVE ACTION ON HB 30

SEN. CHRIS CHRISTIAENS felt that this bill should be referred to Senate Judiciary because juvenile custody issues in the Corrections Department were being discussed.

Motion/Vote: SEN. CHRISTIAENS moved **HB 30 BE REFERRED TO SENATE JUDICIARY COMMITTEE**. **Motion carried unanimously.** Chairman Dale Mahlum will ask for the referral on the Senate floor.

EXECUTIVE ACTION ON HB 345 CONTINUED

SEN. DON HARGROVE said that there had been a consensus reached. He explained that the two amendments could be merged. There would be two parts taken out of **REP. MANGAN'S** amendment and one part taken out of **SEN. HARGROVE'S** amendment.

Gordon Morris, MACO, further explained the two amendment merger. He addressed **REP. MANGAN'S** amendment **HB034501.alk**. This came from the Dept. of Justice. The Dept's intent is accomplished in No. 1 and No. 6. As a result, amendment Nos. 2, 3, 4, 5 can be removed. He then addressed **SEN. HARGROVE'S** amendment **HB034502.agp**. The dollar amount of \$50,000 would be re-inserted and the word "base" substituted.

{Tape : 2; Side : B; Approx. Time Counter : 0}

SEN. HARGROVE suggested that paragraph six could be taken out and leave the \$50,000 per year. He asked **Leanne Kurtz** to finalize the suggestions. She felt that she could do this.

Motion/Vote: SEN. HARGROVE moved that HB 345 BE AMENDED
EXHIBIT(los69a11) HB034502.agp (Printed on March 28, 2001
(12:05PM). Motion carried 10-0.

Motion/Vote: SEN. TOOLE moved that HB 345 BE CONCURRED IN AS AMENDED. Motion carried 10-0. Senator Hargrove will carry the bill.

Senator Cobb was not present for voting.

ADJOURNMENT

Adjournment: 5:00 P.M.

SEN. DALE MAHLUM, Chairman

MARY GAY WELLS, Secretary

DM/MW

EXHIBIT (los69aad)